

TITLE 8

Subdivision Regulations

Chapter 1

Land Division Regulations

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Sec. 8-1-1 Purpose; General Interpretation.

- (a) The purpose of this Chapter is to regulate the division of land within the unincorporated areas of Iron County for the purposes listed in Chapter 236, Wis. Stats., and to provide safe and orderly shoreland subdivision layouts pursuant to Sections 59.971(3), 144.26(2), 144.26(8) and 236.45, Wis. Stats.
- (b) This Chapter shall not repeal, impair or modify private easements or covenants governing the use of lands except that it shall be applicable to the extent that it imposes stricter regulations.

Sec. 8-1-2 General Requirements.

The County Planning Agency or its duly appointed staff, in considering an application for the subdivision of land, shall be guided by the following considerations and standards:

- (a) The County Planning Agency or its duly authorized staff shall be responsible for administration of this Chapter.

- (b) "Subdivision" is a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where;
 - (1) The act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area; or
 - (2) Five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area are created by successive divisions within a period of five (5) years.
- (c) This Chapter shall not apply to divisions exempt from platting controls under the provisions of Sec. 236.03(2)(3) and 236.45(2)(a)1, 2, 3, 4, Wis. Stats.
- (d) Every division of land within the unincorporated areas of Iron County shall be subject to the provisions of this Chapter and Chapter 236, Wis. Stats.
- (e) All divisions of land subject to this Chapter shall also be in conformity with the County zoning ordinance, County sanitary code and any official map ordinances in effect in the County.
- (f) Before the final plat is approved by the County Planning Agency and the County Board of Supervisors, the subdivider shall install all improvements required by this Chapter, or by town or municipal units of government, or shall file a performance bond with the County Clerk (or meeting the approval of the District Attorney) insuring installation of such improvements.
- (g) The specifications for all improvements shall be approved by the County Zoning Administrator. Prior to either acceptance of the improvements by the County Board of Supervisors or release of the developer's bond, all improvements shall be inspected by the County Zoning Administrator and found to have been installed according to specifications.
- (h) Land which is deemed unsuitable for any proposed development by the County Planning Agency for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community shall not be subdivided. In applying the provisions of this Subsection, the County Planning Agency shall in writing recite the particular facts upon which it bases its conclusion that the proposed development is unsuitable and afford the subdivider an opportunity to present evidence regarding such suitability if he so desires at a public hearing as provided in this Chapter. Thereafter the County Planning Agency may affirm, modify or withdraw its determination of unsuitability.

Sec. 8-1-3 Lots Created Requiring a Plat; County Planning Agency Review and Recorded Certified Surveys.

- (a) Any proposed land division where three (3) or more lots are created of less than five (5) acres each in area, within a five (5) year period. A map shall be submitted to the Iron County Planning and Zoning Committee in conformity with the standards of Sec. 236.34, Wis. Stats., or in conformity with the standards for a County plat as set forth in Section 8-1-4(d). It shall be certified on the face of this map that the proposed land division complies

with the provisions of the Iron County Sanitary Code, Iron County Zoning Ordinance and the Standards of Administrative of Ch. H85, Wis. Adm. Code.

- (b) In those instances where the proposed division is intended for building development and is located either wholly or partially within the Shoreland Protection or Floodplain Zoning District the County Planning Agency shall require that a certified survey map be recorded in the Office of Register of Deeds of the County. A certified survey map may also be required where the proposed division might result in boundary problems or disputes, such as divisions of land within one and one-half (1-1/2) miles of incorporated cities and villages or in developed unincorporated areas. Such certified survey maps may meet the requirements of Sec. 236.34, Wis. Stats., and shall be approved by the County Planning Agency in accordance with the procedure for submitting subdivisions except that no contour map and no state agency review is required.
- (c) Lots in approved land divisions created in this Section shall not be further divided.

Sec. 8-1-4 Procedure for Submitting Subdivision Applications.

- (a) **Preliminary Meeting.** Before filing a preliminary plat application the subdivider is encouraged to consult with the County Planning Agency and/or its staff for advice regarding general requirements affecting the proposed development. A sketch plan of the proposed subdivision drawn on a topographic survey map should be submitted. This sketch plan should identify the boundaries of the property being considered for subdivision, any publicly owned lands in the vicinity of the proposed subdivision, proposed roads and general lot layout including proposed dedication, physical features [slopes over twelve percent (12%), bodies of water, wetland areas, rock out-crops, existing vegetative cover, areas subject to periodic flooding and general soil conditions], gaslines, power transmission lines and towers and railroads. In addition, the sketch plan should indicate proposed filling, grading lagooning, or dredging and a description of any contiguous property owned or controlled by the subdivider even though only a part of the area is proposed for immediate development. The subdivider should also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.
- (b) **Preliminary Plat Application.** The subdivider shall submit to the County Planning Agency and to those agencies having the authority to object to plats under provisions of Chapter 236, Wis. Stats., sufficient legible copies (to be determined at the preliminary meeting) of a preliminary plat based upon an exterior boundary survey by a registered land surveyor. The preliminary plat shall show clearly the existing conditions of the proposed subdivision and of the adjoining sites including data on covenants, physical features [slopes over twelve percent (12%), bodies of water, public access, wetland areas, rock out-crops, existing vegetative cover, areas subject to periodic flooding and soil conditions] available community facilities and utilities, easements, street locations and lot widths and depths. The proposed layout shall be shown on a topographic map at a scale of one (1) inch equals

one hundred (100) feet having contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more and shall identify the improvements (grading, tree planting, paving, installation of facilities and dedication of land) which the subdivider proposes to make and shall indicate when the improvements will be provided. In those instances where contour maps are deemed unnecessary for the purpose of reviewing all or a portion of the land included in the proposed subdivision, the County Planning Agency may waive or modify the contour mapping requirements. Any proposed restrictive covenants for the land involved shall be stated. The County Planning Agency shall reject or approve conditionally the preliminary plat within forty (40) days, as provided by statute.

- (c) **Final Plat.** Final plats shall be submitted to the County Planning Agency within six (6) months of preliminary plat acceptance unless this requirement is waived in writing by the County Planning Agency. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.10 and 236.12(2), Wis. Stats. The final plat shall be accompanied by detailed construction plans of all improvements. Final plats shall be presented to the Planning Agency at least ten (10) work days prior to the meeting at which they are to be considered and shall be accepted or rejected by the County Planning Agency and the Board of County Supervisors within sixty (60) days of their submission. Approved final plats shall be recorded in accordance with the statutory requirements, Sec. 236.25, Wis. Stats., prior to the time that lots are offered for sale, reference is made to the map for sale purposes, or use is made of lot and block numbers shown on the plat.

(d) **County Plat.**

- (1) **Procedures; Amendments.** A County Plat shall be prepared for any division of land which creates three (3) or more parcels of five (5) acres or less in area unless a subdivision plat or a certified survey map is prepared as required by Chapter 236, Wis. Stats.
- a. The survey shall be performed and the County plat prepared by a registered land surveyor.
 - b. All corners shall be monumented in accordance with Chapter 236.15(1), (c) and (d), Wis. Stats.
 - c. The map shall be prepared in accordance with Chapter 236.20(1), (a) and (b) and Chapter 236.20(2), (a), (b), (c), (f), (g), (i) and (k), Wis. Stats., on muslin backed paper twenty-two (22) inches wide by thirty (30) inches long. All lines shall be made with non-fading black ink on a scale of not more than five hundred (500) feet to an inch. In lieu of the above procedure, the map may be prepared on tracing cloth or paper or film and a true scale lithographed copy on muslin backed paper be prepared.
 - d. The County plat shall include the certificate of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with non-fading black

ink, giving a clear and concise description of the land surveyed by bearings, and distances, commencing with some corner marked and established in the U.S. public land survey or some corner providing reference to a corner marked and established in the U.S. public land survey. Such certificate shall include the certificate of the surveyor to the effect that he has fully complied with the requirements of this Chapter.

- e. The County plat shall include an owner's certificate and a mortgagee's certificate which are in substantially the same form as required by Chapter 236.21(2)(a), Wis. Stats.
 - f. The County plat shall include a certificate for the approval of the appropriate town board and shall be submitted to the town pursuant to Chapter 236.21, Wis. Stats., and the Iron County Zoning and Shorelands Protection Ordinance.
 - g. The County plat shall be submitted to the County Planning and Zoning Committee for approval before recording and shall be submitted to the Committee, pursuant to the Iron County Land Use and Shorelands Protection Ordinance and this Section.
 - h. All subdivisions abutting a navigable lake or stream shall provide public access at least sixty (60) feet wide providing access to the low water mark so that there will be public access, which is connected to existing public roads, at not more than one-half (1/2) mile intervals, except lakes that have sufficient public access, as measured along the lake or stream shoreline. No public access established under this Section may be vacated except by circuit court action.
- (2) **Recording.** County plats prepared in accordance with Subsection (d)(1) above shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume to be kept in the register of deeds office, known as the "County Plats of Iron County". The County plat shall be indexed by the Register of Deeds in the tract index.
- (3) **Use in Conveyancing.** When a County plat has been recorded in accordance with this Section, the parcels of land in the map shall be described by reference to the number of the survey, the volume and page where recorded, and the name of the county, for all purpose including assessment, taxation, devise, descent and conveyance as defined in Chapter 706.01(3), Wis. Stats.
- (4) **Submission of Preliminary Plat.** A subdivider shall submit to the Iron County Planning and Zoning Committee and to those agencies having the authority to object to plat under provisions of Chapter 236, Wis. Stats. Three (3) copies of a preliminary plat based upon an exterior boundary survey by a registered land surveyor. The preliminary plat shall show clearly the existing conditions of the proposed subdivision and of the adjoining sites including data on coverage, physical features [slopes over fifteen percent (15%), wetland areas, rock outcrops, existing areas subject to periodic flooding and general soil conditions], available community facilities and utilities easements, street locations and lot widths and depths. The proposed layout shall be

shown on a map of a scale of not more than one (1) inch equals five hundred (500) feet, and should identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land) which the subdivider proposes to make and shall indicate when the improvements will be provided. Any proposed restrictive conveyance for the land involved shall be stated. The Iron County Planning and Zoning Committee and Town Board shall approve, approve conditionally, or reject the Preliminary Plat within forty (40) days of receiving same, unless the timing is extended by agreement with the subdivider. Failure of the County Planning and Zoning Committee and Town Board to act within said forty (40) days, or extension thereof, shall constitute an approval of the preliminary plat.

- (5) **Final Plat.** Final plats shall be submitted to the appropriate town board and the Iron County Zoning Administrator within six (6) months of the preliminary plat acceptance, unless this requirement is waived in writing by the Iron County Planning and Zoning Committee and appropriate town board. The final plat shall conform to the preliminary plat as approved by the County Planning and Zoning Committee and appropriate town board, and to the requirements of all certifications of those agencies having the authority to object to the plat as provided by Sec. 236.12(2), Wis. Stats. The final plat shall be accompanied by detailed construction plans of all improvements. Final plats shall be presented to the appropriate town board at least ten (10) work days prior to the meeting at which they are to be considered and shall be accepted or rejected within sixty (60) days. Failure to act shall constitute approval. Final plats shall be presented to the County Planning and Zoning who shall approve the plat if it conforms to the preliminary plat as approved by the Iron County Planning and Zoning Committee.
- (6) **Recording.** Approved final plats shall be recorded in accordance with Chapter 236, Wis. Stats., and Iron County Zoning and Shoreland Protection Ordinance. No lots shall be offered for sale except when the preliminary or final plat has been filed for approval with the Iron County Planning and Zoning Office and appropriate town board. An offer may be made if that offer states on its face that it is contingent upon approval of the final plat and shall be void if such plat is not approved.

Sec. 8-1-5 Design Standards.

(a) Streets.

- (1) The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect in the County. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.
- (2) All lots shall have frontage on a public street.
- (3) Street locations shall be consistent with any applicable street plan officially adopted by the County. All street right-of-way widths, radii or curvature and grades shall